



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.S. SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P.(MD).No.6524 of 2022

M.Marimuthu

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Taluk Office,
Budalur,
Thanjavur District.

3.The Block Development Officer,
Budalur,
Thanjavur District.

4.D.Shanmugam

..Respondents

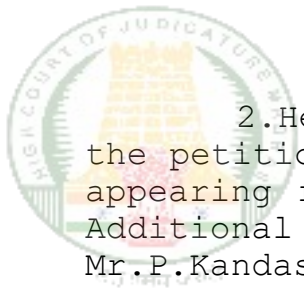
Prayer: Writ Petition filed under Article 26 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the 3rd respondent to implement the order of the 2nd respondent in Na.Ka.No.2903/2020/Aa2 dated 04.11.2020, within the time frame fixed by this Court.

For Petitioner : Mr.S.Gopalamanikandan
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 : Mr.J.Ashok,
Additional Government Pleader
For R4 : Mr.P.Kandasamy

ORDER

(Order of the Court was made by S.S.SUNDAR.J.,)

This writ petition is filed for issuance of a Writ of Mandamus to direct the third respondent to implement the order of the second respondent in Na.Ka.No.2903/2020/Aa2, dated 04.11.2020.



2.Heard Mr.S.Gopalamanikandan, learned counsel appearing for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for the first and second respondents, Mr.J.Ashok, learned Additional Government Pleader appearing for the third respondent and Mr.P.Kandasamy, learned counsel appearing for the fourth respondent.

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3.The petitioner has made several representations regarding the removal of encroachment made by the fourth respondent.

4.The learned counsel appearing for the petitioner has produced a copy of the proceedings of the Tahsildar, Budalur, before this Court pointing out that there is encroachment by the individual in Survey No.285/4A, which is used as a pathway. The learned counsel further stated that the fourth respondent has encroached a portion of the pathway. Therefore, the petitioner has filed the present writ petition.

5.The learned Special Government Pleader appearing for the first and second respondents, on instructions, would submit that the petitioner also has encroached a portion of the pathway and therefore, the second respondent viz., Thasildar, Budalur, may be directed to hold an enquiry and pass appropriate orders and take action against all the encroachers.

6.Recording the submission of the learned Special Government Pleader, this Writ Petition is disposed of with a direction to the third respondent to implement the order of the second respondent, dated 04.11.2020 and take action against every encroacher, who has encroached any portion of the pathway/ the adjacent land in Survey No.285/4A in Budalur Taluk or nearby area to ensure that every part of pathway is available for the public use. The whole exercise shall be undertaken and completed by the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Thanjavur District,
Thanjavur.



2.The Tahsildar,
Taluk Office,
Budalur,
Thanjavur District.

3.The Block Development Officer,
Budalur,
Thanajvur District.

+1 CC to M/s.P.KANDASAMY, Advocate (SR-24842[F] dated 09/06/2022)

+1 CC to M/s.SPL.GP (SR-25105[F] dated 10/06/2022)

W.P. (MD) .No.6524 of 2022
08.06.2022

NSN(CO)
KB(17.06.2022) 3P 6C